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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,243	02/03/2004	Chad A. Cobbley	MICS:0078-4	2594
52142 7590 10/28/2008 FLETCHER YODER (MICRON TECHNOLOGY, INC.) P.O. BOX 692289 HOUSTON, TX 77269-2289				
EXAMINER				
PARKER, JOHN M				
ART UNIT		PAPER NUMBER		
2823				
MAIL DATE		DELIVERY MODE		
10/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/771,243

Applicant(s)

COBBLEY ET AL.

Examiner

John M. Parker

Art Unit

2823

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 11-16
Claim(s) rejected: 21-34
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

/George Fournson/
Primary Examiner, Art Unit 2823

Continuation of 11. does NOT place the application in condition for allowance because:

They are not persuasive. Applicant argues that the rejection of claim 21 is based on hindsight gained from the Applicant's invention. This is not persuasive as the reference discloses picking up the die stack and placing it on a surface [placing the stack of fig. 9, onto the substrate 70, column 8, lines 20-23]. The step of placing the die stack on a temporary surface followed by picking up the die and moving it to the final position is merely a repetition of the disclosed steps and as such merely adds complexity to the process. One of ordinary skill in the art would have expected the process to be performed equally well by repeating the steps of picking up and placing the die stack because those steps do not materially alter the process of the reference. Likewise, moving the die to the final position would also be expected to be performed equally well by taking a circuitous route as opposed to a straight line between the positions.

Applicant also argues that Miremadi teaches away from the use of a temporary holding surface because Miremadi describes electrically coupling chips after placing chips on a substrate. However, this is not persuasive as the Examiner interprets the substrate as layer 70 in fig. 9, 51 and 57 may be called substrates by Miremadi but for the purposes of this rejection they are interpreted as part of a die stack. Therefore the stack has been coupled together prior to being placed on a substrate.

Applicant argues that Miremadi fails to teach curing the stack before the act of picking the die stack. However, this is not persuasive as was explained in the final rejection column 7 lines 36-67 and fig. 8 show a die stack which has been cured prior to placing it on a substrate as shown in fig. 9. Please see previous argument on interpretation of the terms substrate regarding the reference Miremadi.

Applicant argues that Miremadi fails to teach testing the die stack before picking the die stack. However, this is not persuasive as the die stack contains chips mounted on carriers [fig. 8, 51 and 57] and as was taught in the background of Miremadi, it is well known to test chips prior to mount them on a substrate [column 1, lines 23-25].

Applicant further argues that Miremadi fails to teach "applying the adhesive between each die in the die stack, the adhesive being curable at a first temperature ... applying a second adhesive between the die stack and the substrate, the second adhesive being curable at a second temperature lower than the first temperature. However, this is not persuasive Miremadi teaches two adhesives as explained in the final rejection. The first adhesive is a heat transport layer described as an adhesive conductor tape while the second adhesive curable at a second temperature is solder. Solder can be considered adhesive in that it holds the die stack to the substrate it was reflowed to.